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FACSIMILE COVER SHEET

DATE: 10/21/98

TO: DON UGELSTAD

COMPANY: ASH GROVE CEMENT COMPANY

FAX: 694-6285

FROM: Jim Sherman@938-6760 (FAX)

TOTAL PAGES: 3

SUBJECT: Don, I thought you may be interested to see this information we just received on the new Fisheries Closure schedule for the Duwamish River, in the past the Duwamish was closed for water work (pile driving, dredging, rock placement, ect.) from April 1 thru June 15. With the new regulations they have added another 3 and a half months per year to the down time.

Sincerely,

Jim Sherman
General Construction

USEPA SF



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WSF Fisheries Closure

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Near shore shallow water habitat in Puget Sound is critical to the survival of juvenile marine fish and juvenile salmonids during their spring out-migration. This habitat includes all beaches and beds of marine and estuarine waters of the state from ordinary high water waterward to -10.0 feet (Mean Lower Low Water = 0.0 feet). This habitat is important as a migration corridor, producer of food, and serves as a refuge from predation. In addition, this habitat comprises spawning habitat for many important species of marine fish. Since the inception of development along the shores of the Sound, much of this critical habitat has been lost due to bulkheading, filling, dredging and other impacts associated with urban and industrial development. These impacts have reduced the reproductive potential of those species dependant on this spawning habitat. They have reduced the area available for juvenile marine fish and juvenile salmonids to rear, feed, and migrate. And they have reduced the area available for juvenile salmonids to physiologically adapt from fresh to saltwater.

Numerous studies have shown that certain benthic and epibenthic invertebrates found in shallow water habitats seem to be ideally suited as prey for juvenile salmonids and resident juvenile marine fish because of their high visibility, size, and abundance. WDFW is concerned about adverse impacts to these juvenile salmonid and marine fish food resources resulting from dredging in shallow water habitats. Research indicates that intertidal and shallow subtidal habitats are more productive than deeper water habitats, having the highest abundance of these prey organisms. The most productive tidal elevations are between +2.0- and -2.0-feet (datum, Mean Lower Low Water [MLLW] = 0.0). Increasing and/or decreasing elevation results in a curvilinear decrease in productivity. Dredging projects that reduce tidal elevation of shallow water habitats therefore reduce the productive capacity of the habitat.

Many saltwater habitats that serve an essential function in the developmental life history of fish or shellfish, occurring landward and waterward of the -10.0 contour can be impacted by dredging projects.

WDFW habitat policy (POL-410), adopted September 1990, states "... it is the goal of WDFW to achieve no net loss of the productive capacity of the habitat of food fish and shellfish resources of the state." This policy requires applicants of projects potentially impacting fish resources and habitat to mitigate all adverse effects. Applicants must first take all reasonable steps to avoid habitat damage, and second, take all reasonable steps to minimize any unavoidable habitat damage. Any habitat which is unavoidably damaged or lost must be replaced to its full productive capacity using proven methods. Mitigation for damage to these habitats is usually difficult and expensive. Therefore, it is generally better to minimize any unavoidable habitat damage. If the proposed dredging project is located in an area where a marine vegetation inspection and biological assessment cannot be undertaken by WDFW at low tide, the inspection

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Closed
Duwamish
River

July 1 - October 15
April 1 - June 14

and biological assessment of the resources in the project area should be undertaken for the applicant by a qualified biologist approved by WDFW.

In addition, WDFW is concerned about this project with regard to the pending Endangered Species Act (ESA) listings of chinook salmon. This project has to be considered with regards to the impacts that may be caused to juvenile and adult chinook salmon. Although ESA is not enacted as of this time, every project is still receiving an evaluation under ESA.

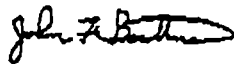
Also, WDFW will be requiring a closure period in the Duwamish River between July 1 and October 15 to protect returning adult chinook salmon. WDFW compensates for this closure by reducing the standard juvenile salmon closure from March 15 to June 14, to April 1 to June 14.

Finally, in-water disposal of dredged material should comply with PSSDA requirements, and sediment toxicity analysis should be required. The applicant should contact the Department of Ecology (DOE) for sampling requirements and the Department of Natural Resources (DNR) for disposal requirements. Disposal of dredged material in other areas may be authorized by WDFW for beneficial uses such as beach nourishment or capping of contaminated sediments. Project proposals will be considered on a case by case basis. Upland disposal of dredged materials should conform to water quality best management practices, and spoils should not be used to fill wetlands.

We also have a number of concerns with regard to the frequency of the need for dredging at this facility. There have been a number of requests to remove material spilled through accidents on site, but we are also concerned about the need for maintenance dredging so soon after your last maintenance dredge.

If you have any questions regarding the status of your application, please contact me at (425) 379-2306.

Sincerely,



John F. Boettner
Area Habitat Biologist

JFB:jfb:

cc Ted Muller, WDFW